



# Arizona State Senate Issue Brief

September 26, 2008

## Note to Reader:

The Senate Research Staff provides nonpartisan, objective legislative research, policy analysis and related assistance to the members of the Arizona State Senate. The *Research Briefs* series, which includes the *Issue Brief*, *Background Brief* and *Issue Paper*, is intended to introduce a reader to various legislatively related issues and provide useful resources to assist the reader in learning more on a given topic. Because of frequent legislative and executive activity, topics may undergo frequent changes. Additionally, nothing in the *Brief* should be used to draw conclusions on the legality of an issue.

## ARIZONA'S MILITARY BASE PRESERVATION

### INTRODUCTION

Arizona's network of military facilities includes an integrated array of bases, testing and training facilities, ranges and airspace. The 2008 Maguire study on the "Economic Impact of Arizona's Principal Military Operations" states that total employment impact, total output and total annual tax revenues for Arizona's military industry equaled 96,328 jobs, \$9.120 billion and \$401.4 million respectively for 2005.

The Defense Base Closure and Realignment Commission (BRAC) was created by Congress in 1990 to provide an objective, thorough, accurate and nonpartisan review and analysis of the list of bases and military installations recommended by the Department of Defense for closure or realignment. BRAC assesses each recommendation to ensure it meets eight selection criteria established by Congress. While the selection criteria give priority to military value, they also consider the economic impact on communities near military installations and the ability of those communities to support military forces, missions and personnel.

BRAC evaluations were conducted in 1991, 1993, 1995 and 2005. Arizona was directly impacted by the 1991 BRAC evaluations that resulted in the closure of Williams Air Force Base in 1993. Recognizing that incompatible land use and encroachment in the vicinity of Arizona's military facilities constrains their ability to perform current and future missions, a primary focus of the state's efforts to assure a sustainable future for its military installations has been to address these compatibility issues.

### TERRITORY IN THE VICINITY OF A MILITARY AIRPORT OR ANCILLARY MILITARY FACILITY

Arizona's military installations include: Luke Air Force Base (including Auxiliary Field #1 and Gila Bend Auxiliary Field) in Maricopa County, Marine Corps Air Station (including Auxiliary Field #1) in Yuma County, Fort Huachuca in Cochise County, Davis-Monthan Air Force Base in Pima County and U.S. Army Yuma Proving Ground. Statute defines an area around each of these facilities, designated as "territory in the vicinity of a military airport or ancillary military facility," and requires affected political

subdivisions to plan development that assures compatibility with the high noise and accident potential generated by military airport operations. Homebuyers must also be notified that the lot or parcel is located within territory in the vicinity of a military airport or ancillary military facility prior to purchase.

## **HIGH NOISE OR ACCIDENT POTENTIAL ZONE**

Statute also defines the “high noise or accident potential zone” for each military airport and ancillary military facility and restricts zoning and development in these areas to nonresidential zoning based on the day-night sound level. The Attorney General (AG) is required to determine compliance with the zoning and development in these areas. If the AG determines that a political subdivision has not complied with the zoning and development requirements within the high noise or accident potential zone, the AG may institute a civil action in superior court against the political subdivision. The political subdivision may be liable for a civil penalty of up to a maximum of \$50,000 for noncompliance.

## **MILITARY ELECTRONICS RANGE**

In response to concerns regarding the state’s sole Military Electronics Range (MER), which is located near Fort Huachuca, legislation was enacted in 2008 that defines a MER and requires local governments to notify the office of a base commander when an application to alter property contained in a MER is deemed complete. A base commander may then submit comments regarding a proposed land use change within a defined period of time; however, the presence of a MER does not require a public hearing nor does it require the denial of building, occupancy or other land use permits.

The State Land Department is required to create and maintain a map of a MER and provide the map to the Real Estate Commissioner (Commissioner) and make the map available to the public.

The Commissioner is required to post a map of the MER on the State Real Estate Department’s website and to record a document

in each county that contains a portion of a MER. Effective December 31, 2008, public reports authorizing the sale of property must also disclose the presence of a MER.

## **MILITARY INSTALLATION FUND**

In 2004, legislation created the Military Installation Fund (Fund) for military installation preservation projects, including property in the high noise or accident potential zones and acquiring real estate, property rights and related infrastructure that are vital to preservation and enhancement of a military installation. The 15-member Military Affairs Commission develops criteria for awarding the monies, reviewing applications and recommending to the Arizona Department of Commerce how the monies from the Fund should be awarded. Eighty percent of the monies in the Fund are dedicated for acquisition of private property and 20 percent of that amount is authorized to be used for political subdivisions to acquire land in the high noise or accident potential zone. The remaining 20 percent of the monies in the Fund are set aside for cities, towns or counties to use for community enhancement projects. The Fund is nonappropriated and receives \$5,000,000 annually from the state General Fund.

## **ADDITIONAL RESOURCES**

- “Economic Impact of Arizona’s Principal Military Operations - 2008,” Maguire Company, available at: [www.azcommerce.com/Military/Compat/](http://www.azcommerce.com/Military/Compat/)
- Airport Zoning and Regulation Statutes: Arizona Revised Statutes (A.R.S.), Title 28, Chapter 25, Article 7
- A.R.S. §§ 9-500.28, 11-812, 32-2114.01-2115, 32-2183.05